



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

October 25, 1990

Mr. B.J. Smith  
City Attorney  
City of Mesquite  
P.O. Box 850137  
Mesquite, Texas 75185

OR90-512

Dear Mr. Smith:

By letter of October 8 you ask whether criminal history information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10805.

The police department received a request from an individual for a copy of her criminal history information, and you forwarded this matter to our office under section 7 of the Open Records Act. You do not cite any of the exceptions to disclosure found in section 3 of the Open Records Act. It is usually the responsibility of the governmental body that holds the records to show that they are excepted from public disclosure. Attorney General Opinion H-436 (1974). If an exception is not cited, it is ordinarily waived, unless the information is deemed confidential under the act. See Attorney General Opinion JM-672 (1987).

However, criminal history information is subject to rules of disclosure other than those set out in the Open Records Act. As Open Records Decision No. 565 (1990) explains on pages ten through twelve, an individual may obtain a copy of TCIC criminal history information about himself if he makes a written request for it in writing in accord with the requirements of section 3B of the Open Record Act. We have enclosed a copy of Open Records Decision No. 565, as well as a copy of Open Records Decision No. 127 (1975), which deals with the availability of arrest records under the Open Record Act. You must make the TCIC criminal history report available to the individual who is the subject of it once you receive a request that complies with section 3B.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-512.

Yours very truly,



Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/le

Ref.: ID# 10805

Enclosure: Attorney General Opinions JM-672, H-436; Open  
Records Decisions Nos. 565, 127

cc: Captain A.W. Olesch  
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